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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,144	06/01/2001	Erik K. Jurvis	25039A	3286
22889	7590	05/14/2004	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,144

Applicant(s)

JURVIS ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Although shown in the drawings there is no support in the specification for the receivers extending at 180 degrees in opposite directions. The applicant is required to amend the specification to provide the proper antecedent support.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4,6,7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,694,728 to HEATH, Jr. et al. In claims 1 and 7, the applicant is reminded that substantially clearly implies that something less than the exact amount can be required. HEATH, Jr. et al. discloses the use of a component (50) for receiving a plurality of extending siding strips (16) wherein the component (50) includes an elongate body (52) for abutting against a planar wall, column 5, lines 2-5, first and second (64) receivers substantially 180 degrees in opposite directions, see figure 2, each for receiving a portion a portion of the horizontally extending siding strips (16), and an outwardly bowed portion (colored red). Each receiver (64) is substantially U-shaped and includes a first wall (colored green) for at least partially covering the end of the siding strip (16), an end wall (EW) connected to the first wall (colored green), and

a fastener receiving portion (60) for abutting the wall of the building (14), column 5, lines 2-5, see the marked attachment from the previous Official Action. Although the first and second receivers of the component of HEATH, Jr. et al. do not extend at exactly or precisely 180 degrees, they do extend substantially or close to 180 degrees in opposing directions. In considering the fact that the component (50) does not have receivers that extend at 180 degrees, the applicant is reminded it would have been obvious to one having ordinary skill in the art at the time the invention was made that in instances when the siding member are to cover a larger sized horizontally extending wall perhaps a component similar to the component (50) having receivers extending in exact horizontally opposing directions or at 180 degrees be employed in order to accommodate a planar or more flat and vertically horizontal wall surface. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the device of HEATH, Jr. et al. include receivers that extend substantially at 180 degrees in opposing directions. For instance, a wall structure similar to say the back side of the structure as shown in figure 1 of HEATH, JR. et al. not including any window or door openings might require a plurality of horizontally adjacently and vertically stacked siding members wherein an attachment of some sort would be needed in order to connect the horizontally adjacent siding members. Hence, a member having opposing receivers extending in opposing directions or 180 degrees, as indicated above would be appropriate in order to attach the siding to the planar wall surface. Regarding claim 2, as stated above, the system of HEATH, Jr. et al. includes integral fastener receiving portions (60). In reference to claims 3 and 4, the outwardly

bowed portion (colored red) of HEATH, Jr. et al. is integrally connected to a portion of each receiver (64) and includes indicia (58), column 5, lines 11-13, that stimulates the appearance of the system. Regarding claim 6, as stated earlier, each receiver includes an end wall (EW), see the marked attachment from the previous Official Action. In reference to claim 7, the end walls (EW) are substantially parallel and are spaced apart. Regarding claim 9, the first wall (colored green) of each receiver (64) is indirectly integrally connected to an end of the outwardly bowed portion (colored red) through the end wall (EW); wherein, the outwardly bowed portion (colored red) simulates the appearance of a log, column 5, lines 11-13. In reference to claim 10, the fastener receiving portion (60) is elongated relative to the first wall (colored green) of the corresponding receiver (64).

Claims 11-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,694,728 to HEATH, Jr. et al. In claims 11-13, the applicant is reminded that substantially clearly implies that something less than the exact amount can be required. HEATH, Jr. et al. discloses the use of a vertically extending component (50) for receiving at least a first and at least a second substantially horizontally extending siding strips (16) wherein the component (50) includes an elongate body (52) for abutting against a planar wall, column 5, lines 2-5, first and second (64) receivers substantially 180 degrees in opposite directions, see figure 2, each for receiving a portion of the horizontally extending siding strips (16), and an outwardly bowed portion (colored red). Each receiver (64) is substantially U-shaped and includes a first wall (colored green) for at least partially covering the end

of the siding strip (16), an end wall (EW) connected to the first wall (colored peen), and a fastener receiving portion (60) for abutting the wall of the building (14), column 5, lines 2-5, see the marked attachment from the previous Official Action. Although the first and second receivers of the component of HEATH, Jr. et al. do not extend at exactly or precisely 180 degrees, they do extend substantially or close to 180 degrees in opposing directions. In considering the fact that the component (50) does not have receivers that extend at 180 degrees, the applicant is reminded it would have been obvious to one having ordinary skill in the art at the time the invention was made that in instances when the siding member are to cover a larger sized horizontally extending wall perhaps a component similar to the component (50) having receivers extending in exact horizontally opposing directions or at 180 degrees be employed in order to accommodate a planar or more flat and vertically horizontal wall surface. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the device of HEATH, Jr. et al. include receivers that extend substantially' at 180 degrees in opposing directions. For instance, a wall structure similar to say the back side of the structure as shown in figure 1 of HEATH, JR. et al. not including any window or door openings might require a plurality of horizontally adjacently and vertically stacked siding members wherein an attachment of some sort would be needed in order to connect the horizontally adjacent siding members. Hence, a member having opposing receivers extending in opposing directions or 180 degrees, as indicated above would be appropriate in order to attach the siding to the planar wall surface. Regarding claim 12, the first and second siding strips (16) are positioned

substantially in the same vertical plane (colored blue), see the marked attachment. In reference to claim 13, the first and second siding strips (16) are positioned substantially in the same horizontal plane (colored yellow), see the marked attachment. Regarding claim 15, the system of HEATH, Jr. et al. further includes at least one fastener (unlabeled), column 5, line 2-4, for fastening each fastener receiving portion (60) to the wall of a building (14). Regarding claim 16, the first wall (colored green) of each receiver (64) is indirectly integrally connected to an end of the outwardly bowed portion (colored red) through the end wall (EW); wherein, the outwardly bowed portion (colored red) simulates the appearance of a log, column 5, lines 11-13.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,694,728 to HEATH, Jr. et al. The applicant is reminded that substantially clearly implies that something less than the exact amount can be required. The structure of HEATH, Jr. et al. inherently discloses the method for installing a plurality of siding members (16) including the steps of providing an elongated component (50) having an outwardly bowed body (colored red), see the marked attachment, first and second receivers (64) extending at substantially" 180 degrees in opposing directions, and a first wall (colored green), see the marked attachment; vertically orienting the elongated component (50); inserting the first end of the plurality of siding members (16) into one of a first or second receiver (64), inserting a second end of the plurality of siding members (16) into one of a first or second receiver (64); and affixing the siding members (16) to the wall (unlabeled) of a building (14), column 5, lines 2-5., wherein each receiver (64) includes a fastener receiving section (60) and the steps further

include placing at least one fastener through the fastener receiving section (60), column 5, lines 11-13. Although the first and second receivers of the component of HEATH, Jr. et al. do not extend at exactly or precisely 180 degrees, they do extend substantially or close to 180 degrees in opposing directions. In considering the fact that the component (50) does not have receivers that extend at 180 degrees, the applicant is reminded it would have been obvious to one having ordinary skill in the art at the time the invention was made that in instances when the siding member are to cover a larger sized horizontally extending wall perhaps a component similar to the component (50) having receivers extending in exact horizontally opposing directions or at 180 degrees be employed in order to accommodate a planar or more flat and vertically horizontal wall surface. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the device of HEATH, Jr. et al. include receivers that extend substantially' at 180 degrees in opposing directions. For instance, a wall structure similar to say the back side of the structure as shown in figure 1 of HEATH, JR. et al. not including any window or door openings might require a plurality of horizontally adjacently and vertically stacked siding members wherein an attachment of some sort would be needed in order to connect the horizontally adjacent siding members. Hence, a member having opposing receivers extending in opposing directions or 180 degrees, as indicated above would be appropriate in order to attach the siding to the planar wall surface.

Response to Arguments

Applicant's arguments with respect to claims 1-4,6,7,9-13 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the applicant's argument that the receivers of HEATH, Jr. et al. do not extend at 'substantially' 180 degrees, as per the applicant's own definition that "substantially" is "largely but not wholly that which is specified", clearly HEATH, Jr. et al. details that which is largely 180 degrees, but not wholly 180 degrees. In any event, as detailed above, the use of a component similar to the component (50) of HEATH, Jr. et al. on an extensively long wall in within the skill of a worker in the art to use multiple adjacent members, as shown in HEATH, Jr. et al. attached by the component similar to the component (50) but incorporating receivers that extend exactly opposite to one another or at 180 degrees in order to be attached to the planar wall surface of the building.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YMH
May 12, 2004